

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	
)	CASE NO. 5:09-cv-00272
v.)	
)	JUDGE JOHN R. ADAMS
THE CITY OF AKRON, OHIO)	MAGISTRATE PEARSON
)	
and)	
)	
THE STATE OF OHIO,)	
)	
Defendants.)	
_____)	

**NOTICE OF LODGING OF
PROPOSED CONSENT DECREE**

Plaintiff, the United States of America, by and through the undersigned attorneys, respectfully lodges the accompanying proposed Consent Decree, attached hereto as Exhibit A, which, if approved, will resolve the claims in the above-captioned matter. The United States is *not* requesting any action by the Court at this time on the proposed Decree.

Consistent with Department of Justice regulations (28 C.F.R. § 50.7), the United States is inviting the public to comment on the proposed Consent Decree for a period of sixty (60) days before seeking judicial approval. The public comment period will begin upon publication of a

notice in the Federal Register, which we anticipate will occur shortly. Upon expiration of that comment period, the United States will advise the Court of any comments received and of the United States' position as to whether the proposed Decree should be approved and entered by this Court. The United States may withhold its consent to the proposed Consent Decree if the comments disclose facts or considerations which indicate that the proposed Consent Decree is improper, inappropriate, inadequate, or not in the public interest. The parties are currently working on a draft summary of the terms of the proposed Consent Decree per the Court's request. The parties plan to provide the draft summary to the Court by Thursday, November 19, 2009. Once the Federal Notice is published, the draft summary will be finalized and provided to the public.

The United States respectfully requests that the Court await, before considering whether to approve and enter the proposed Decree as an order of this Court, a subsequent submission by the United States regarding any comments received during the public comment period and the United States' position regarding entry of the proposed Decree.

Respectfully Submitted,

JOHN C. CRUDEN
Acting Assistant Attorney General
Environment and Natural Resources Division

Dated: November 13, 2009

/s/ Renita Ford
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